

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABRAHAM G. PINZON,
Plaintiff,

v.

STATE OF CALIFORNIA, DEPARTMENT
OF HEALTH CARE SERVICES,
MEDICAL DENTAL SERVICES
DIVISION, et al.,

Defendants.

Case No. 14-cv-05504-JST

ORDER

On August 20, 2015, the Court issued an order granting the motion of the United States of America to substitute itself in place of named Defendant Mendocino Coast Clinics, Inc., and to dismiss all claims against it for lack of subject matter jurisdiction. ECF No. 52.

Plaintiff's Amended Complaint names a second Defendant, the "State of California: Dep't of Health Care Services; Medi-Cal Dental Services Division." ECF No. 6 at 1. Relying on information provided by Plaintiff, the United States Marshals Service served a copy of the summons, complaint, and existing orders on the California State Attorney General's Office on February 10, 2015. ECF No. 10; ECF No. 13 at 3. On March 4, 2015, Pinzon filed a notice regarding service, and attached a letter sent to him by a representative of the California Attorney General's office. ECF No. 14. The letter informed Pinzon that "service upon the Attorney General on behalf of a state agency is not proper in this instance. The Department of Health Care Services may be personally served through its Office of Legal Services located at 1501 Capitol Avenue, Suite 5001, Sacramento, CA 95814." Id. at 2.

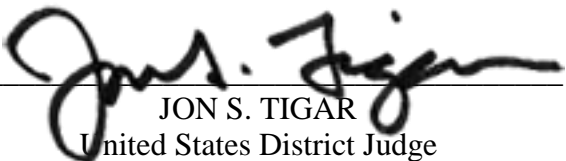
Pinzon apparently attempted to serve the Department of Health Care Services by certified mail on March 2, 2015. Id. at 3. Because Pinzon is the plaintiff in this case and is therefore a party, he cannot serve his own complaint; someone else has to do it for him. Pursuant to Federal

1 Rule of Civil Procedure 4(c)(2), only a “person who is at least 18 years old and *not a party* may
2 serve a summons and complaint.”¹

3 Considering the foregoing, and in light of this Court’s December 22, 2014, order granting
4 Plaintiff leave to proceed in forma pauperis, ECF No. 5; see Fed. R. Civ. P. 4(c)(3), it is ordered
5 that the Clerk re-issue summons, and it is further ordered that the U.S. Marshal for the Northern
6 District of California serve, without prepayment of fees, a copy of the complaint, any
7 amendments, scheduling orders, attachments, and this order upon Defendant Department of Health
8 Care Services at its Office of Legal Services, located at 1501 Capitol Avenue, Suite 5001,
9 Sacramento, CA 95814.

10 IT IS SO ORDERED.

11 Dated: October 14, 2015

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14 JON S. TIGAR
United States District Judge

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27 ¹ The Court expresses no opinion at this juncture regarding whether service by certified mail, as
28 opposed to personal service, is effective. See Wagstaffe, Schwarzer & Tashima, Fed. Civ. Pro.
Before Trial ¶ 5:175.6.